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January 3, 2003

Box Response  
Commissioner for Patents  
Washington, DC 20231

SUBJECT:    Applicant:    Peter A. Warren  
                 Serial No:    10/044,434  
                 Filed:        January 11, 2002  
                 For:            FOLDABLE MEMBER  
                 Examiner:    Tran A.  
                 Group:        3637  
                 Docket No:    FM-212J

RECEIVED  
JAN 13 2003  
GROUP 3600

Dear Sir:

Enclosed is a RESPONSE in reply to the Office Action mailed July 3, 2002, in the subject application. Also enclosed is an Extension of Time Within the Third Month along with a check in the amount of \$460.00 for the extension filing fee.

If for any reason this RESPONSE is found to be INCOMPLETE, or if at any time it appears that a TELEPHONE CONFERENCE with counsel would help advance prosecution, please telephone the undersigned or his associates, collect in Waltham, Massachusetts (781) 890-5678.

If any payment during prosecution is found to be incorrect, please charge any deficiency or credit any overpayment to my Deposit Account No. 09-0002. A copy of this letter is enclosed for use by the Finance Branch in the event that it is necessary to make any charge or credit to my deposit account.

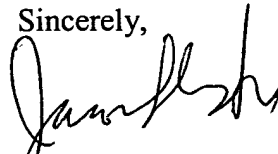
In addition, pursuant to Rule 1.136(a)(3), the Office is hereby authorized to treat any future reply requiring an extension of time as incorporating a request therefor. Also, any request or Petition for an Extension of Time notwithstanding an inadvertent reference

Commissioner for Patents  
January 3, 2003  
Page 2

in the Petition to a shorter period of time is to be treated as requesting the appropriate length of time.

Kindly acknowledge receipt of the foregoing by returning the enclosed self-addressed postcard.

Sincerely,



Jason D. Shanske  
Reg. No. 43,915

JDS:lr  
Enclosures



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Peter A. Warren	Paper No:	
Serial No:	10/044,434	Group:	3637
Filed:	January 11, 2002	Examiner:	Tran A.
For:	FOLDABLE MEMBER	Docket No:	FM-212J

Box Response  
Commissioner for Patents  
Washington, DC 20231

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to Box Response, Commissioner for Patents, Washington, DC 20231, on January 9, 2003

  
Leslie Ruano

RESPONSE

This Response is in reply to the Office Action mailed July 3, 2002, in the subject application. In response to the Office Action, please amend the above-identified application as follows.

REMARKS

The applicants appreciate the Examiner's thorough examination of the application and requests reexamination and reconsideration of the application in view of the following remarks.

The Examiner rejects claims 22-69 under the judicially created doctrine of

obviousness type double patenting as being unpatentable over claims 1-12 of U.S. Patent No. 6,321,503 in view of U.S. Patent No. 6,135,030 to *Besaw*.

The Examiner states that U.S. Patent No. 6,321,503 shows all of the claimed limitations except for the first tube being made of layers of material, an electrical conductor disposed in the tube, at least one transducer device located proximate a hinge area, and a second tube disposed inside the first tube. The Examiner further states that *Besaw* shows a tube made of layers of material, and a first tube disposed inside the first tube.

The present invention is directed to a foldable member comprising at least a first tube made of layers of material, at least one predetermined hinge area along the length of the first tube, and a plurality of opposing elongated slots in the tube through the layers of material forming separated longitudinal strips of layers of tube material between the slots which fold when subjected to localized buckling forces as claimed in claim 1.

*Besaw* is directed to a corrugated pallet and corrugated support members and related to pallets upon which materials are stacked for storage and transportation. *Besaw* discloses a corrugated pallet 104 having longitudinal leg-wrap support members 106 extending the entire length of corrugated pallet 104. However, the support members 106 of *Besaw* are not foldable members. In fact *Besaw* specifically states that an object of the invention is to construct a pallet that will sustain loads to which it is subjected and not fold or bend sideways in movement or shipment, Col. 2, lines 4-6 of *Besaw*. *Besaw* specifically teaches away from a support member which folds. Accordingly, there would be no motivation to combine any feature of *Besaw* with that of U.S. Patent No. 6,321,503

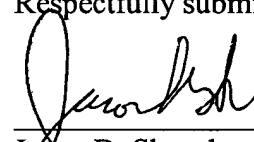
as the purposes and objectives of the respective devices are exactly the opposite of each other. One of ordinary skill in the art would not look at a rigid, non-folding support member to modify a device which is designed to fold.

Accordingly, applicant submits that claims 22-69 are patentable over the cited references.

Each of the Examiner's rejections has been addressed or traversed. Accordingly, it is respectfully submitted that the application is in condition for allowance. Early and favorable action is respectfully requested.

If for any reason this Response is found to be incomplete, or if at any time it appears that a telephone conference with counsel would help advance prosecution, please telephone the undersigned or his associates, collect in Waltham, Massachusetts, (781)890-5678.

Respectfully submitted,



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Jason D. Shanske  
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